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This is in response to the Office Action mailed June 6, 2003.

REMARKS

Applicants respectfully traverse the rejection of claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over the combination of Henson (US6,167,383) in view of Brinkley (US6,167,383). It is submitted that the Henson patent fails to teach the present claimed invention, and that Brinkley fails to make up for the deficiencies of the Henson disclosure in the teaching of the present invention.

The present invention relates to a business method and system for the purpose of compensating sellers of computer components for their overall great expenditures in developing systems for configuring computer systems for purchasers. Such costs are related to overall quantities of the computer components sold. Thus, it is important to recognize when considering the present invention with respect to the prior art that the business method invention is not the optimizing of the computer system offered for sale to the needs of the individual purchaser. Rather, the invention involves the tracking of the quantities of each computer component sold by the seller to all of the purchasers responsive to a set of rules which determine the customers' component needs and allocate the computer components. Then, the optimum quantities of each component which would need to be sold to best serve the seller's business needs is determined. Based upon the seller's needs, selected purchasers are then offered modifications to the customers' above determined and allocated needs to thereby reconcile the individual purchaser's computer component needs with the sellers'

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overall component sales needs.

Like the method of the present invention, the Henson method does prompt the purchaser to make a sequence of entries. Henson, in response to these entries, then presents the purchaser with a set of systems but each system in the set is optimized according to the needs of the purchaser. The purchaser may then choose the optimized system which best suits his needs. With the Henson method, there is no concern whatsoever with the overall business needs of the seller. Consequently, Henson does not disclose means for the tracking of the quantities of each computer component sold by the seller to all of the purchasers. If Henson could even be said to track quantities of any computer component, he would only track the number of components which would go into the system optimized to the one individual purchaser. Also Henson does not disclose means for optimizing quantities of each tracked component based upon the seller's business needs. Henson is in no way concerned with the seller's business needs, and, therefore, does not consider possible modification of the quantities of each of the tracked components allocated to a plurality of the seller's purchasers. Accordingly, Henson does not suggest offering modifications to the customers' above determined and allocated needs to thereby reconcile the individual purchaser's computer component needs with the sellers' overall component sales needs.

The Examiner concedes these shortcomings of Henson as a reference but looks to Brinkley et al. to make up for these deficiencies. Brinkley relates to a seller's business rules programs for controlling his overall inventories. Consequently, Brinkley does track quantities of components sold to all customers and applies a variety of business rules to optimize such inventory components. However,

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— nowhere in Brinkley's extensive description of business rules is there any suggestion that any purchaser or customer be offered modifications to the customer's determined and allocated needs to thereby reconcile the individual purchaser's computer component needs with the sellers' overall component sales needs.

To summarize with respect to this issue, Applicants' process provides optimized systems solutions for customers response to a sequence of data interactive customer data entries. Henson does the same. However, the present invention tracks overall component inventory control, and offers to the customer proposed modifications to the customer's determined and allocated needs to thereby ask the customer to alter or modify his individual component needs to help the sellers' overall component sales needs.

Neither reference suggests this concept. Brinkley teaches a variety of component seller inventory tracking and control expedients but nothing related to this concept. The closest that the Examiner can come to a suggestion of this in Brinkley is an listed general item: "Planned sales promotions" in lists of about one hundred of such inventory control items. This is too vague or general a statement to suggest Applicants' invention of asking a customer to accept component modifications in a system solution already optimized to the customer's needs based upon customer data entries.

In combining the Henson and Brinkley references, the Examiner has selected and combined elements from each reference, not based upon any teaching or suggestion from the references themselves but rather in the light of Applicants' own teaching.

Thus, Applicants submit that the proposed combination of references is being made not with the requisite foresight

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of one skilled in the art, but rather with the hindsight obtained solely by the teaching of the present invention. This approach cannot be used to render Applicants' invention unpatentable.

"To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art references of record convey nor suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." W. L. Gore, 721 F.2d at 1553, 220 USPQ, p. 312-313.

"One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." In re Fine, 5 USPQ 2d 1596 (C.A.F.C.) 1988.

Claims 2, 8, and 14 may be further distinguished over Henson in that the seller is enabled to offer financial incentives to purchasers for accepting modifications in the computer components allocated to the purchaser based upon the optimization of the seller's business needs. These seller's needs are determined by the tracked quantities of the computer components sold to all of a plurality of purchasers. There are no direct financial incentives offered to purchasers in Henson based upon any quantities of tracked computer components sold to a plurality of purchasers mentioned in Henson. Also, as set forth above, the sales promotion statement in Brinkley is too vague or general a statement to suggest Applicants' invention of offering financial incentives to a customer to accept component modifications in a system solution already optimized to the customer's needs based upon customer data entries.

Accordingly, Applicants submit that claims 1-18 are

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patentable under 35 U.S.C. 103(a) over the combination of Henson in view of Brinkley et al.

In view of the foregoing, it is submitted that claims 1-18 are now in condition for allowance, and such allowance is respectfully requested.

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